



# THE ATTORNEY GENERAL OF TEXAS

AUSTIN 11, TEXAS

**WILL WILSON**  
ATTORNEY GENERAL

August 26, 1960

Honorable William J. Gillespie  
County Attorney  
Lubbock County  
Lubbock, Texas

Opinion No. WW-916

Re: May a business that temporarily  
furnishes trailers to its farm  
customers for hauling a tank  
and poison apparatus claim an  
exemption from registering such  
trailer under Art. 6675A-2,  
V.A.T.S.?

Dear Mr. Gillespie:

We quote your letter of May 21, 1960, to the Attorney General  
in part as follows:

"During certain periods of the growing season here on  
the plains, a major portion of the agricultural business  
is the selling of poisons to farms. . . . These businesses  
furnish the trailer on which the apparatus is hauled.  
In most cases, the trailer is used only to haul. All  
of the businesses who furnish trailers . . . are claiming  
an exemption from registration under Article 6675A-2,  
Vernon's Annotated Texas Statutes. They claim an  
exemption under the above cited article as farm trailers.

"Question: May a business that temporarily furnishes  
trailers to its farm customers for hauling a tank and  
poison spraying apparatus claim an exemption from regis-  
tering such trailer under Article 6675A-2, V.A.T.S.?"

Article 6675A-2, V.A.T.S. is the Texas Registration law requir-  
ing the owner of a motor vehicle, trailer or semi-trailer used or to be  
used on the public highways of this State to register such vehicle.  
This law excepts "owners of farm tractors, farm trailers, farm semi-  
trailers, implements of husbandry and machinery . . . operated or moved  
temporarily upon the highways . . . and providing further that the exemp-  
tion in this section shall not apply to any farm trailer or farm semi-  
trailer when the same is used for hire . . ." (Emphasis added.)

Article 6675A-2 (q) states:

By "operated or moved temporarily upon the highways is  
meant the operation or conveying between different  
farms, and the operation or conveyance from the owner's  
farm to the place where his farm produce is prepared

Honorable William J Gillespie, page 2 (WW-916)

for market or where same is actually marketed and return." (Emphasis added.)

Here the trailers are not owned by farmers, but by people or firms who sell to farmers. Subsection (q) quoted just above, applies to trailers owned by farmers.


Since the business firm temporarily furnishing the trailers cannot conform to the requirements set out in definition (q) of Article 6675A-1, as to what constitutes a trailer "operated or moved temporarily upon the highways" (Article 6675A-2), these trailers cannot come under the exemptions contained in Article 6675A-2 and must be registered as said Article requires.

SUMMARY

A business that temporarily furnishes trailers to its farm customers for hauling a tank and poison apparatus cannot claim an exemption from registering such trailer under Article 6675A-2, V.A.T.S.

Very truly yours,

WILL WILSON  
Attorney General of Texas

  
By John C. Phillips  
Assistant

JCP:bg

APPROVED:

OPINION COMMITTEE  
W. V Geppert, Chairman

James M. Farris  
William T. Blackburn  
Virgil Pulliam  
Martha Jo Stroud

REVIEWED FOR THE ATTORNEY GENERAL  
BY: Leonard Passmore